

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WANI J. KOSE,

Plaintiff,

v.

H. SIEZ, et al.,

Defendants.

Case No.: 1:23-cv-00557-KES-CDB

**ORDER GRANTING PARTIES'
REQUEST TO SET THIS MATTER FOR
A SETTLEMENT CONFERENCE
SUBJECT TO AVAILABILITY**

**ORDER SETTING PRETRIAL
CONFERENCE AND TRIAL**

Plaintiff Wani J. Kose is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment failure to protect claim against Defendant Saiz and his Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Negre and Walker.

I. INTRODUCTION

On January 16, 2025, the Court issued its Order Denying Defendants' Motion for Administrative Relief Re: Order Setting Settlement Conference and to Stay Case Deadlines. (Doc. 35.) The parties were directed to meet and confer, within 14 days, concerning available dates and times for a pretrial conference and trial before District Judge Kirk E. Sherriff, and to file a joint status report within 21 days. (*Id.* at 5-6.) If the parties wished to participate in a settlement conference, they were also to provide available dates and times for a settlement conference. (*Id.* at 6.)

1 On February 5, 2025, Defendants moved for a 7-day extension of time within which to file
2 the joint status report. (Doc. 36.) The Court granted the 7-day extension of time on February 7,
3 2025. (Doc. 37.)

4 A joint status report was timely filed February 13, 2025. (Doc. 38.)

5 **II. DISCUSSION**

6 In the joint status report, the parties indicate their willingness to participate in a settlement
7 conference. Because Plaintiff anticipates being released from custody on or before May 7, 2025,
8 the parties proposed ten dates in April 2025. Concerning available pretrial conference and trial
9 dates, the report indicates that Plaintiff cannot anticipate his availability for a pretrial conference
10 and trial due to his imminent release from custody “and subsequent parole restrictions.”

11 Defendants request that any trial begin no sooner than November 1, 2025, and that a pretrial
12 conference be scheduled approximately three months prior to that date. Further, Defendants
13 provided a series of dates on which they are unavailable for the period between July 10, 2025, and
14 January 2, 2026.

15 A settlement conference will be scheduled for a date identified by the parties in April
16 2025, assuming the availability of another magistrate judge on those dates. The Court will issue
17 an order setting a settlement conference, to include the applicable procedures, in due course.

18 Further, the Court sets this matter for a pretrial conference to be held on November 12,
19 2025, at 1:30 p.m., and trial to commence on January 21, 2026, at 8:30 a.m., before District Judge
20 Kirk E. Sherriff. The Court will issue an order setting forth the relevant deadlines and procedures
21 for those proceedings in due course.

22 **III. CONCLUSION AND ORDER**

23 Accordingly, this Court **HEREBY ORDERS:**

- 24 1. Given the parties’ willingness to participate in a settlement conference as reflected in
25 their joint status report, the Court will set a settlement conference for an available date
26 identified by the parties and subject to the availability of an unassigned magistrate
27 judge. Once a date has been identified, the Court will issue the appropriate order in
28 due course;

- 1 2. A Pretrial Conference is **SET** for November 12, 2025, at 1:30 p.m., before District
- 2 Judge Kirk E. Sherriff;
- 3 3. The Trial **SHALL** commence on January 21, 2026, at 8:30 a.m., before District Judge
- 4 Kirk E. Sherriff; and
- 5 4. The Court will issue an order setting forth the deadlines and procedures applicable to
- 6 pretrial conference and trial proceedings before District Judge Sherriff in due course.

7 IT IS SO ORDERED.

8 Dated: **February 20, 2025**


UNITED STATES MAGISTRATE JUDGE